



Frequently Asked Questions on Manhaj : Part 16

Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at Wwww.SalafiPublications.Com that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

Question 22: What is the issue concerning Istibdaal?

This doubt is similar to the first, but only from certain angles. Again, the prominent Qutubi Intelligentsia have attempted to expel the issue of Istibdaal from the framework of the tafseel of the Salaf, by claiming that it is major kufr absolutely. This is based largely upon the premise that “replacing” the laws of Allaah is major kufr – for which they have no proof from the Salaf. In reality, this again is word play, since if what is meant by Istibdaal is that a person actually **changes** the laws of Allaah (as in what is meant by the correct understanding of tabdeel), claiming that the law that is being referred to is actually from Allaah (when it is not), then of course Istibdaal is major kufr, even if it is done only with one of the laws of Allaah. However, this is not what is meant by Istibdaal. What is meant by istibdaal is that a person makes something other than the law of Allaah as a reference point for judgement, and thus judges by other than what Allaah has revealed. In essence, Istibdaal, is synonymous with ruling by other than what Allaah has revealed.

And hence, this istibdaal (replacement) can vary from **partial istibdaal** to **total istibdaal**. Meaning that a person, or a ruler, or a judge, or anyone for that matter, instead of judging to the Sharee’ah, judges to something else, either in a) specific issues, or a range of issues or b) in every single issue (in other words to a wholly different Sharee’ah altogether, in principle, taking that as a way to be followed). The above distinction between partial istibdaal and total istibdaal has been alluded by numerous scholars, and is also what is apparent when one brings their statements together.

Shaikh Salih al-Fawzaan stated, explaining the meaning of his statement in Kitaab ut-Tawheed (and his commentary upon the saying of Shaikh Ibn Ibraaheem), “...And it was then said after that that the one who **abolishes the Shari’ah entirely (nihaa’iyyan)**”¹

¹ When we say “abolish the Sharee’ah” or “banish the Sharee’ah”, then what does this mean? And of course the judgement will depend upon what is actually meant by “abolition” in the words used by

and puts another law in its place, that this is evidence (daleel) to show that he views the [secular] law to be better than the Sharee'ah, and whoever holds this opinion, he is the one who is a kaafir [emphasis given]. This is in the same book itself... however they only take [from the book] according to their own understanding of it and what is of benefit to them, yet they abandon the rest of the words. If they had read the words from the beginning, the matter would have become clear [to them].

Questioner: And the statement of Shaikh Muhammad Ibn Ibraheem is [understood] in the same way?

Shaikh al-Fawzan: Yes, it is the same. His words mean **that the one who abolishes the Shari'ah** and puts in its place another law, **then this gives evidence that he considers this law to be better than the Sharee'ah**. And [subsequently] whoever considers this law to be better than the Sharee'ah, then such a one is a kaafir in the view of everybody, there is no doubt in this." (Cassette: Questions and Answers on al-Haakimiyyah)²

Shaikh Salih al-Fawzaan said, during his critique of Dr. Khalid al-'Anbari, "This tabdeel does not exist³... but there is istibdaal, and this is choosing the secular laws as a replacement to the Islamic Sharee'ah, and abolishing the Sharee'ah law courts, and this is kufr also. This is because, the ruler **completely abolishes (yunheehaa nihaa'iiyyan) the Sharee'ah**, and puts in its place secular laws. **So what then remains of Islaam?**

Shaikh Salih al-Fawzaan and Shaikh Muhammad bin Ibraaheem. So if a Ruler says for example (or anyone for that matter), that we should not judge by Islaam, but by Communism – then whether he physically abolishes the Sharee'ah or not, he is a kaafir. Rather, even if he allows the mosques to remain, and the people to pray therein, and allows the Hijaab, and the many other aspects of the Sharee'ah, yet he says we should rule by Communism and that is the way to go, then such a one is a kaafir, irrespective of whether he physically totally abolished the Sharee'ah or not. And hence this judgement of takfir is based upon the well-known tafseel of the Salaf.

And if what is meant by "abolish the Sharee'ah" is that a Ruler completely and totally effaces Islaam and everything related to it, such that nothing of it remains, or is allowed to remain, and then brings another law to replace it totally, then that does not exist today. And if anyone fell into it, then his kufr returns back to the kufr of belief, since he did not do this except while he considered his law to be better or superior and so on, and this is indicated in the words of the likes of Shaikh Salih al-Fawzaan. In other words, this shows that this person holds other than the Sharee'ah to be superior and better, and hence upon the tafseel of the Salaf, this person is a kaafir.

² Shaikh Ali Hasan, said in at-Ta'reef wat-Tanbi'ah (p.70 1st edition), "And this fatwa (i.e. of Ibn Ibraaheem) has been carried by Shaikh Salih al-Fawzaan - as some Kuwaiti brothers of ours have told me - having heard this from him directly, that he carries it to mean perfect and complete istibdaal (kaamilan) with the secular laws. As for some laws as opposed to others, in greater or lesser amounts, then this is carried upon the second and last fatwaa (of Ibn Ibraaheem) [i.e. where he specifies making them permissible and believing (i'tiqaad) in the correctness of that]".

³ The Shaikh is referring to the tabdeel in which it is claimed that what one is ruling by is actually from Allaah, when it is not. So the Shaikh is saying that this does not exist today amongst the Rulers, and this is correct. Similarly, what is also correct is that total istibdaal (i.e. abolition of the Sharee'ah in its entirety and putting something else in its place) also does not exist today either, and has vary rarely, if at all, even existed.

And he did not do this except that he adopts these laws while he considers them to be superior to the Sharee'ah." (Majallat ud-Da'wah no. 1749 4th Rabee ul-Awwal 1421)

Shaikh Salih al-Fawzaan also said, "I say: the kufr of the one who does not rule by what Allaah has revealed, is not restricted to juhood, rather it also applies to **complete replacement (bal, yatanaawal al-istibdaala at-taamm)** [so the Shaikh refers to totality here], and likewise, the one who makes istihlaal of this action, even if only in some laws [and here the Shaikh specifies istihlaal for what is less than total istibdaal], and without him making juhood, or if he says: the judgement of other than Allaah is better than the judgment of Allaah, or if he says: that they are both equal, as the people of knowledge have textually stated (concerning this). Until even if he said, that the judgment of Allaah is better, but it is permissible to judge by other than it..." (Majallat ud-Da'wah no. 1749 4th Rabee ul-Awwal 1421)

So in the above we find that Shaikh Salih al-Fawzaan has explained the view of Shaikh Ibn Ibraaheem in that it relates to when a ruler replaces the Sharee'ah in its entirety and brings something else in its place. And likewise the Shaikh has also explained his own view that total istibdaal is major kufr (because it indicates what is being held of the beliefs of kufr in the heart) – and that what is less than that (partial istibdaal), then it requires Istihlaal or an associated belief that is expressed which necessitates kufr (such as considering it to be equal to or better than the Sharee'ah). And this can be reconciled with what has been stated by Shaikh Ibn Ibraaheem in what has been quoted from him earlier (in a previous answer), and also, Shaikh Abdul-Lateef bin Abdur-Rahmaan Aal ash-Shaikh and also Shaikh Ibn Baaz, who in their statements concerning ruling by the secular laws explain that having belief in their correctness and the permissibility of judging by them or making istihlaal of them is what necessitates kufr, not merely judging by them or to them.

There is also the saying of Imaam ash-Shanqeetee, "And by this it is known that the halaal (lawful) is what Allaah has declared lawful and the haraam (unlawful) is what Allaah has declared unlawful, and the deen (religion) is what has been legislated by Allaah. Therefore, every legislation (tashree') from other than Him is falsehood, and acting upon it – instead of (badala) the legislation of Allaah, **for the one who believes that it is equivalent to it, or better than it** – is clear, manifest kufr, there being no doubt in it". (Adwaa ul-Bayaan 7/162).

However, in the view of some scholars, even tabdeel (used in the sense of "replacing" and not "altering" or "changing") or istibdaal (total) requires Istihlaal, and they do not consider that this act conclusively indicates that a person commits this act while he believes that a law other than Allaah's is better and superior or while he declares it permissible. This is the view of Imaam Ibn Baaz and also Imaam al-Albaani and also Shaikh Khalid al-Anbari, and it is also the final view of Shaikh Ibn Uthaimeen⁴. They do

⁴ Refer to MNJ050017 for full details. Shaikh Ibn Uthaimeen has previously spoken of istibdaal and made it synonymous with ruling by other than what Allaah has revealed, and he also made it fall back upon the tafseel of the Salaf.

Shaikh Ibn Uthaimeen said, "And ruling by other than what allaah has revealed is of two types:

not consider that this act can conclusively indicate that a person actually holds a law other than that of Allaah to be better. Rather, they hold that it is still possible for the operative motive to be dhulm, or fisq and the likes, and hence, make the judgement of takfir dependent upon the expression of Istihlaal (making lawful) and also I'tiqaad (beliefs which necessitate kufr) and Juhood and what is similar to that.

Imaam Ibn Baaz was asked: "Is replacement (of the Shari'ah) with the secular laws (tabdeel ul-qawaaneen) considered to be major kufr that expels from the religion?"

He replied: **"When he makes it permissible (istibaaha). When he makes it permissible to judge with a law other than the Shari'ah he becomes a disbeliever with the major kufr – if he makes that permissible.** As for when he does that for specific reasons, out of disobedience to Allaah, for the sake of bribery, or

The first type: that the ruler replaces (yastabdilu) the law of Allaah **the exalted by this law** whilst he has knowledge of the law of Allaah but he holds that the opposing law is more befitting and more beneficial for the servants than the rule of Allaah or that it is equal to the law of Allaah or that turning away from the law of Allaah is permissible (jaa'iz) - so therefore, he makes this law (qaanoon) the one that it is obligatory to refer back to for judgement (yajib at-Tahaakum ilaihi) - **so the likes of this one is a kaafir with the kufr that ejects from the religion** and that is because he is not pleased with Allaah as his Lord, Muhammad as his Messenger and Islaam as his religion **and the sayings of Allaah are applicable to him:**

Do they then seek the judgement of (the Days of) Ignorance? And who is better in judgement than Allâh for a people who have firm Faith. (Maa'idah 5:50)

Whosoever does not rule by what Allaah has revealed then they are the disbelievers [kaafiroon]. (Maa'idah 5:44)

The second type: that he replaces (yastabdilu) the law of Allaah **the exalted with an opposing law in a specific issue**, without making that a law (qaanoon) to which it is obligatory to refer to in judgement - **then he is in one of three conditions:**

The first condition: that he does this knowing the rule of Allaah the Exalted, whilst holding the belief (i'taqada) that the opposing law is more befitting than it and more beneficial for the servants, or that it is equal to it, or that turning away from the rule of Allaah is permissible, **so this one is a kaafir with the kufr which ejects from the religion as has preceded in the first category (above)**

The second condition: that he does this knowing the rule of Allaah, believing that it is more befitting and more beneficial but he opposes it due to intending harm to the one (in whose case he is judging) - or in order to benefit the one (in whose case he is judging), so such a one is a dhaalim and is not a kaafir and it is about him that the saying of Allaah the Exalted was revealed: "and whoever does not judge by what Allaah has revealed, they are the dhaalimoon (oppressors)"

The third condition: that it is the same as above, but he opposed it due to a desire in his soul, or for a certain benefit that he would accrue, so this one is a faasiq (rebellious) and is not a kaafir and it is about him that the verse was revealed: "and whoever does not judge by what Allaah has revealed, they are the faasiqoon (rebellors)"

(Majmoo Fataawaa Ibn Uthaimen 2/104-106)

pleasing somebody, and knows that this is haraam, then this is kufr doona kufr (the minor kufr).

As for when he does it while declaring it lawful (mustahillan lahu), then this is major kufr. As Ibn ‘Abbaas said concerning the saying of Allaah the Most High, “And whosoever does not judge by what Allâh has revealed, such are the Kâfirûn (i.e. disbelievers - of a lesser degree as they do not act on Allâh's Laws)”. (Al-Ma'idah 5:44) – so he said, “This is not like the one who disbelieves in Allaah, **but it is the minor kufr (kufr doona kufr)**”. Meaning, “when he declares it lawful (istahalla) to judge by the secular law, or declares it lawful to judge with such and such, and likewise, [when he makes it lawful] to judge with such and such Sharee’ah, then he is a kaafir.”

Then the questioner said: “Is there a difference between replacement (tabdeel) and between ruling in a particular issue? Tabdeel O Shaikh?”

To which the Shaikh replied: “If he does not desire (lam yaqsud) Istihlaal (making it lawful) by that, but did it due to some other reasons, then this is kufra doona kufr (the minor kufr). As for when he says, ‘There is no harm in judging by what Allaah has revealed’, even if he said that the Sharee’ah is better, however, he says, ‘there is no harm in this, it is permissible’, he is declared a disbeliever on account of that with the major kufr, regardless of whether he says that the Sharee’ah is still better, or it is equal to the Sharee’ah, or that it is better than the Sharee’ah, then all of this is (major) disbelief.”

The questioner said: “Meaning, this ruling (that you have explained) encompasses both tabdeel (replacement of the Sharee’ah) and other than tabdeel. It covers all of the types?”

The Shaikh replied: **It encompasses all of the forms, it is in all of the forms.**” (Refer to the book, “Hiwaar Hawla Masaa’il it-Takfeer Ma’a Allaamah ash-Shaikh Abdul-Azeez Ibn Baaz” and it is found also in al-Furqaan Magazine No. 94)

And also the saying of Shaikh Ibn Uthaimen (concerning those who bring other Sharee’ahs and then judge the people by them, and impose them upon the people):

“As for what is connected to [the issue of] ruling by other than what Allaah has revealed, then it is, as occurs in the Mighty Book, divided into three types: that which is kufr (disbelief), that which is dhulm (oppression) and that which is fisq (sinfulness) – all in accordance with the various reasons upon which this judgement is made:

1. So if a person judges by other than what Allaah has revealed due to following his desires, alongside his knowledge that the truth lies in what Allaah has decreed, then such a one does not disbelieve, however he is either a faasiq (sinner) or a dhaalim (oppressor).
2. **Or when he legislates (yusharri’u) a general ruling (hukman ‘aamman) which the Ummah [adopts and] traverses upon, and he considers this to be of benefit (maslahah), and he is caught up in [confusion about it],**

then he does not disbelieve either, because many of the rulers have ignorance of the knowledge of the Sharee'ah and one who does not know the Sharee'ah ruling is often connected to them (i.e. by their side) and they (the rulers) consider such a one to be a great scholar, and opposition [to the Sharee'ah] occurs as a result of all of this.

3. And if he knows the legislation (Shar') however he judges by this [legislation] or he legislates this [law] and then makes it a code of law (dustoor) to be followed by the people, believing (ya'taqid) that he is an oppressor (dhaalim) in all of that and that the truth is what has come in the Book and the Sunnah, then we are not able to make takfir of this one.

4. But we make takfeer of:

- i) the one who holds that the a legislation other than Allaah's is more appropriate for the people to be upon
- ii) or the one who believes that this legislation is equivalent to the legislation of Allaah, the Mighty and Majestic

It is this one who is a disbeliever **because he is a mukhaddhib (makes takdheeb)** of the saying of Allaah, the Blessed and Almighty, **"Is not Allaah the Best of all Judges?"** and also His saying, **"Is it the judgement of Jaahiliyyah they seek. And who is a better judge than Allaah for a people of sure (faith)?"**. End quote. (In answer to Shaikh Abul-Hasan al-Misri's questions via telephone. Refer to MNJ050017).

Summarising the above, there is

- a) total replacement (al-istibdaal at-taam) and
- b) partial istibdaal.

Those who speak of total replacement negate the requirement of Juhood (rejection) and Istihlaal for declaring this act to be major kufr, and argue that this act (of totally effacing the Sharee'ah, in its entirety, such that nothing remains of Islaam, and its subsequent replacement with another, entirely different Sharee'ah) gives evidence (daleel) that such a person holds this other law to be better than that of Allaah, and hence it is kufr. And we hold that this is indeed correct and true – even though this form does not even exist, but if it did such that a ruler effaced Islaam totally, then it would be major kufr. And this is in perfect conformity with the tafseel of the Salaf alluded to earlier, since this kufr is the kufr of belief (al-kufr al-i'tiqaadee). An important thing to note here is that Shaikh Ibn Ibraaheem placed the setting up of law courts and institutions which judge in opposition to what Allaah has revealed, (the basis of all of them being the secular laws of the

disbelievers and the likes) under the category of “al-kufr al-i’tiqadee” in his book Tahkeem al-Qawaaneen⁵.

As for others (Shaikh Ibn Uthameen, Shaikh Ibn Baaz etc.) then they require the expression of belief, or Istihlaal before this tabeel, or istibdaal (or at-tashree’ ul-aamm) is considered as major kufr.

However, regardless of which of the two views one takes, they both conform to the tafseel of the Salaf, since those who do not require Istihlaal for total replacement state that this is kufr because it gives evidence (daleel) as to what the heart contains of the beliefs that necessitate kufr. And all of this indicates that the true nature of the difference between the two views is actually based upon whether the act (of total replacement) itself conclusively indicates the existence of beliefs of kufr (and hence the judgement of major kufr) without us even investigating into the beliefs of the ruler – or whether it is plausible for this act to have arisen due to other factors, such as intending dhulm (oppression) or fisq (sin) and the likes (and hence there is no judgement of major kufr, unless we investigate into the reasons behind this act and come to know that it is Istihlaal or believing that the law is better or equal to the Sharee’ah and so on).

Either way, both of these views are based upon the tafseel of the Salaf that in the issue of ruling by other than what Allaah has revealed, there is al-kufr al-i’tiqadee and also al-kufr al-‘amali – and those who hold total replacement to be major kufr, actually include this within al-kufr al-i’tiqadee and explain it to be indicative of what the heart contains of beliefs of kufr (without that being Istihlaal OR Juhood). Both of these views arrive at the judgement of takfir based upon the tafseel of the Salaf. To the Qutubiyah, this would necessitate the Irjaa’ of Jahm Ibn Safwaan and that of the Extremist Murji’ah!!

Pay very careful attention to this point! The true nature of the difference lies in the absence or presence of the plausibility of this act having occurred for reasons other than those which necessitate kufr (i.e. intending excessive dhulm, fisq etc. rather than believing the foreign law to be better or equal to Allaah’s law or declaring it permissible). So some scholars believe there is a plausibility (such as one being forced to compromise⁶, or due to

⁵ Shaikh Ali Hasan quotes Shaikh Abdur-Rahmaan bin Mu’allaa al-Luwaihiq in his book “al-Ghuluww Fid-Deen” concerning the six types of kufr in belief mentioned by Shaikh Ibn Ibraheem in Tahkeem ul-Qawaaneen (p.291), “That which is apparent, and Allaah knows best, is that he – rahimahullaah – mentioned the first four types with expressions that indicate that they are in conformity with the rules and principles of making takfir of a specific and known individual (muy’ayyan) from amongst the Rulers, and this is why he used words which are in reference to a specific person. So he said, “... **that he rejects (An yajhada)**” and also “... **that he believes (An ya’taqida)**”... And as for the last two types, then he has intended “takfir an-nau’ (takfir by way of type, or takfir of the action)” by them. For this reason (in these latter two cases) **he has made his words revolve around the actual action (fi’l) itself, not the doer (faa’il)**. And built upon this, it is necessary, in the case of making the takfir of a specific individual who has fallen into any of the last two types, **that reference is made to the principles contained in the first four types**”. (Refer to Saihatu Nadheer p.97).

⁶ Shaikh Ibn Uthameen said, “And it is **in my opinion (dhann)** that it is not possible for a person to apply and establish such laws that oppose the Shari’ah and which are referred to by the slaves of Allaah for judgement **except that he declares this to be permissible (istahallahu)**”

dhulm and the likes) and hence they specify Istihlaal and expression of the I'tiqaad. But other scholars do not hold this plausibility and say that it conclusively indicates the beliefs of kufr, and is therefore major kufr. Either way, this demolishes and exposes the great scandal of the Qutubiyyah Jadeedah and also the great fraud perpetrated by Mohammad Qutb and his puppet, Safar al-Hawali in their bid to accuse the whole Ummah with Irjaa. In reality their view necessitates Shaikh Ibn Ibraaheem has fallen into Irjaa', Shaikh Salih al-Fawzaan has fallen into Irjaa', Imaam ash-Shanqeetee has fallen into Irjaa'! Let alone Imaam Ibn Baaz, Imaam al-Albaani and Imaam Ibn Uthaimeen!

As for partial replacement, then that also falls under the well-known tafseel of the Salaf as has preceded and is synonymous to ruling by other than what Allaah has revealed, by the secular laws and their likes. In summary, there is no proof for the Qutubiyyah, Takfiriyyah, since the tafseel of the Salaf applies to Istibdaal, and what is differed over is actually total Istibdaal, which does not even exist, and even then the difference on this issue is not what they actually think it to be!! They think total replacement of the Sharee'ah is like the other acts of major kufr (like kicking the Qur'aan etc.) and hence any attempt to attribute the kufr in this act to what the heart contains of beliefs that necessitate kufr is the Irjaa' of Jahm Ibn Safwaan in their view. Yet our Ulamaa (like Shaikh Salih al-Fawzaan and others) say that this act gives evidence (daleel) that the person considers this other law to be superior to the Sharee'ah and therefore it is kufr!! Hence, this is takfir of the act, based upon the tafseel of the Salaf! Our Ulamaa are in one valley. And the Qutubiyyah, Surooriyyah, Takfiriyyah are on a different planet. Wallaahul-Musta'aan.

and holds the belief (ya'taqidu) that such laws are better than the Shari'ah laws. Hence, he is a disbeliever. This is what is apparent, and if not then **what [motive] is it** that carried him to undertake this?! **Sometimes it can be his fear of not undertaking this act on account of people who are stronger than - that makes him undertake this act. So here he would be compromising with them. So here we would say that such a one is like those who compromise with respect to the other sins.**" (Fitnah of Takfir, pp.73-74).

Refer to the Shaikh's statement dated 22/03/1420H – and it has been quoted above in the main body of this document.